



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



Tamworth Pre-School, Inc
Att: Nancy Coville
27 Durrell Road
Tamworth, NH 03886

Re: Bearcamp Valley School and
Children's Center Water System
Tamworth, NH
EPA # 2315020

**ADMINISTRATIVE ORDER
No. WD 02-30**

October 1, 2002

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division, to Tamworth Pre-School, Inc. pursuant to RSA 485:4 and RSA 485:58. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. Tamworth Pre-School, Inc., operating under the trade name of Bearcamp Valley School and Children's Center, is a New Hampshire corporation having an address of 27 Durrell Road, Tamworth, NH 03886. Nancy Coville is the Administrative Director and water system representative.

C. STATEMENTS OF FACTS AND LAW

1. RSA 485:3 authorizes DES to regulate public water supplies. RSA 332-E:3 authorizes DES to adopt drinking water rules which identify criteria and standards to ensure the proper certification of water system operators. Pursuant to this authority, DES has adopted NH Admin. Rule Env-Ws 367
2. Tamworth Pre-School, Inc. is the owner of a water system which serves approximately 100 students and staff in one building located in the community of Tamworth, NH ("Water System"). The Water System is a non-transient, non-community water system as defined in RSA 485:1-a, XI and Env-Ws 302.02(aw).

I. Certified Operator

3. RSA 332-E and Env-Ws 367.02 require all community and non-transient, non-community water systems to retain the services of an operator who is certified by DES to perform operating functions.

4. By letter dated December 15, 1999, the then-certified operator for the Water System informed DES and the Water System representative that they would no longer be the certified operator for the Water System.
5. On February 16, 2001, a Letter of Deficiency ("LOD") was issued to the Water System. The LOD requested the Water System:
 - a. By March 16, 2001, obtain a certified operator of the proper grade to operate and maintain the water system and notify DES in writing of the name and license number of the operator; or
 - b. By March 16, 2001, enroll in the DES Small System Certified Operator Training Course being offered by DES beginning March 26, 2001 and pass the Combined Distribution & Treatment Grade IA operator exam.
6. The LOD was received by the Water System as evidenced by the signed postal receipt.
7. On May 21, 2001, a representative from the Water System telephoned DES to request a list of certified operators. The list was sent within a few days to the Water System as requested.
8. The Water System failed to retain a certified operator, failed to enroll a designee in the Small System Certified Operator Training Course, and failed to take the Grade IA operator exam as requested by the LOD.
9. On August 16, 2001, a sanitary survey was performed at the Water System by DES personnel. At the time of the inspection, the DES inspector noted in his field report that the Water System did not have a certified operator. The DES inspector provided the Water System with a carbon copy of the field report at the conclusion of the sanitary survey. A formal report sent to the Water System on April 1, 2002, noted that the failure to retain a certified operator was a significant deficiency.
10. DES has no record of the requested written response to the significant deficiency identified in the April 1, 2002, sanitary survey report.
11. On May 21, 2002, DES sent a notice to the Water System informing them that the Water System was still required to retain a certified operator and to notify DES of the name of the operator by June 21, 2002.
12. To date, DES has not received a written response to its May 21, 2002 letter.

D. DETERMINATION OF VIOLATIONS

1. The Water System has violated RSA 332-E and Env-Ws 367.02 by failing to hire a certified operator.

E. ORDER

Based on the above findings, DES hereby orders Tamworth Pre-School, Inc. as follows:

1. **Within 21 days of the date of this Order**, retain the services of a certified operator of the proper grade to maintain the Water System, and verify in writing to DES the name and license number of the certified operator.

Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Linda Magoon
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095
Voice: (603) 271-0672
Fax: (603) 271-3490
e-mail: lmagoon@des.state.nh.us

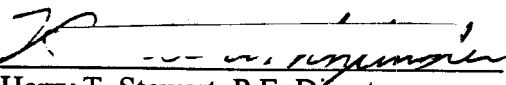
F. APPEAL


Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Tamworth Pre-School, Inc. of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 485:58 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. Tamworth Pre-School, Inc. remains obligated to comply with all applicable drinking water statutes and rules. DES will continue to monitor Tamworth Pre-School, Inc.'s compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Carroll County Registry of Deeds so as to run with the land.


for Harry T. Stewart, P.E. Director
Water Division


George Dana Bisbee
Assistant Commissioner

Certified Mail/RRR: 7099 3400 0002 9771 9920

cc: Gretchen Rule, DES Legal Unit
Public Information Officer, DES PIP Office
Jennifer Patterson, Sr. Assistant Attorney General
DHHS Child Care Licensing
Carroll County Registry of Deeds
Board of Selectmen, Town of Tamworth
US EPA, Region 1